

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Health Discovery Corporation,

Plaintiff,

v.

Intel Corporation,

Defendant.

Civil Action No. 6:22-cv-00356-ADA

The Honorable Alan D Albright

JURY TRIAL DEMANDED

AMENDED SCHEDULING ORDER

Plaintiff Health Discovery Corporation and Defendant Intel Corporation have jointly requested the Court extend the fact discovery deadline by approximately ten weeks and make corresponding changes to subsequent case deadlines. To accommodate the proposed extensions, the parties also jointly requested the Court reschedule the trial date for this action until on or after February 19, 2024, subject to the availability of the Court.

The Court ORDERS that the following amended deadlines will govern the above captioned case:

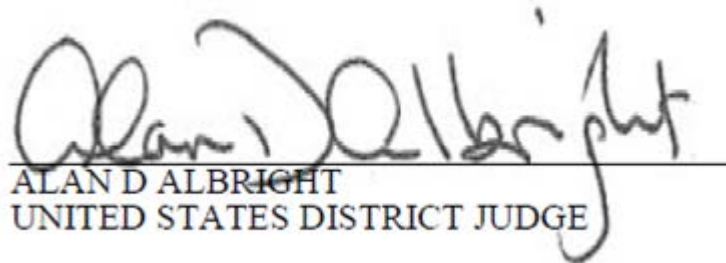
Deadline	Item
Completed July 14, 2022	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.

Deadline	Item
Completed April 10, 2023	The Parties shall file a motion to enter an agreed First Amended Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of a First Amended Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
Completed April 17, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Completed May 7, 2023	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side.
Completed May 29, 2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
June 30, 2023	The parties shall file a Joint Report regarding the results of the meet and confer on narrowing of claims asserted and prior art references at issue to triable limits.
August 25, 2023	Close of Fact Discovery. ²
September 8, 2023	Opening Expert Reports: Plaintiff may serve an infringement report and a damages report; Defendant may serve an invalidity report.
October 6, 2023	Rebuttal Expert Reports: Plaintiff may rebut Defendant's invalidity report; Defendant may rebut Plaintiff's infringement and damages reports.
October 23, 2023	Close of Expert Discovery.

² The parties will not serve additional party discovery beyond the original June 16, 2023 close of fact discovery deadline, except as to respond to outstanding requests and supplement current discovery responses.

Deadline	Item
November 3, 2023	Dispositive motion deadline and Daubert motion deadline. <i>See General Issues Note #7</i> regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
November 17, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
November 27, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
December 17, 2023	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
December 23, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
January 5, 2024	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com . Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
February 12, 2024	Parties to jointly email the Court's law clerk (<i>see</i> OGP at 1) to confirm their pretrial conference and trial dates.
March 23, 2024	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
March 26, 2024	Final Pretrial Conference. Held in person unless otherwise requested.
April 8, 2024	Jury Selection/Trial.

SIGNED this 16th day of June 2023.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE